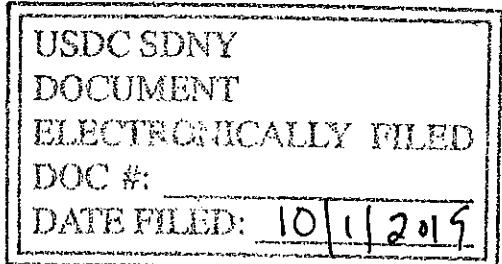


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
WANDA WATSON, JESSICA McCLAIN, STEPHEN :  
MATEJOV, LEROY JACOBS, HAROLD MICHAEL, :  
JENNIFER STEPHENS, and JANE DOE, : 19cv1356 (DLC)  
individually and on behalf of all :  
others similarly situated, : ORDER  
:  
Plaintiffs, :  
-v- :  
:  
KELLOGG SALES COMPANY, :  
:  
Defendant. :  
:  
-----X

DENISE COTE, District Judge:

On February 12, 2019, plaintiff Wanda Watson, a citizen of New York, filed this putative class action against Kellogg Sales Company, a Delaware corporation with its principal place of business in Michigan. On June 16, the complaint was amended to add plaintiffs Jessica McClain, a citizen of Washington, Stephen Matejov, a citizen of California, Leroy Jacobs, a citizen of Illinois, Harold Michael, a citizen of Kansas, Jennifer Stephens, a citizen of Idaho (collectively, the "named out-of-state plaintiffs"), and Jane Doe, allegedly representing citizens of all 44 other states (the "Jane Doe plaintiffs"). In the amended complaint, the named out-of-state plaintiffs and Jane Doe plaintiffs allege that they have purchased the defendant's products "within their districts and/or states," and



assert causes of actions under their respective state consumer protection statutes.

On July 19, 2019, the defendant moved to dismiss the June 16 amended complaint. This motion became fully submitted on August 23. It is hereby

ORDERED that the claims of the named out-of-state plaintiffs are dismissed for lack of personal jurisdiction.

Bristol-Meyers Squibb Co. v. Superior Court, 137 S. Ct. 1773, 1783 (2017).

IT IS FURTHER ORDERED that the claims of the Jane Doe plaintiffs are dismissed for lack of standing. Police & Fire Ret. Sys. of Detroit v. IndyMac MBS, Inc., 721 F.3d 95, 112 (2d Cir. 2013) ("[T]here must be a named plaintiff sufficient to establish jurisdiction over each claim advanced."); Cent. States Se. & Sw. Areas Health & Welfare Fund v. Merck-Medco Managed Care, LLC, 504 F.3d 229, 241 (2d Cir. 2007) (recognizing that there must be at least one named plaintiff with standing to assert each claim).

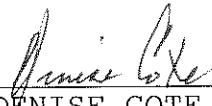
IT IS FURTHER ORDERED that a conference to discuss the remaining claims subject to the defendant's July 19, 2019 motion to dismiss is scheduled for **October 11, 2019 at 10:30 a.m.** in Courtroom 18B, United States Courthouse, 500 Pearl Street, New York, NY 10007.

IT IS FURTHER ORDERED that the parties shall conduct a Rule 26(f) conference regarding the New York class action claims in advance of the conference.

SO ORDERED:

Dated: New York, New York  
October 1, 2019

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DENISE COTE  
United States District Judge